

### **REMARKS**

In the Office Action, the Examiner rejected claims 1-37. By this paper, Applicants amend claims 1-3, 5-7, 9-21, 26-33, and 35-37 for clarification of certain features and to expedite allowance of the present application. These amendments do not add any new matter. Upon entry of these amendments, claims 1-37 remain pending in the present application and are believed to be in condition for allowance. In view of the foregoing amendments and the following remarks, Applicants respectfully request reconsideration and allowance of all pending claims.

### **Claim Rejections under 35 U.S.C. § 102**

In the Office Action, the Examiner rejected claims 1-4, 7, 9-12, 15-18, 21, and 22 under 35 U.S.C. § 102(b) as being anticipated by Pagliaccio (U.S. Patent No. 5,549,375, hereafter "the Pagliaccio reference"). Applicants respectfully traverse these rejections.

### ***Legal Precedent***

Anticipation under 35 U.S.C. § 102 can be found only if a single reference shows exactly what is claimed. *Titanium Metals Corp. v. Banner*, 778 F.2d 775, 227 U.S.P.Q. 773 (Fed. Cir. 1985). For a prior art reference to anticipate under 35 U.S.C. § 102, every element of the claimed invention must be identically shown in a single reference. *In re Bond*, 910 F.2d 831, 15 U.S.P.Q.2d 1566 (Fed. Cir. 1990). To maintain a proper rejection under 35 U.S.C. § 102, a single reference must teach each and every limitation of the rejected claim. *Atlas Powder v. E.I. du Pont*, 750 F.2d 1569 (Fed. Cir. 1984). Accordingly, Applicants need only point to a single element not found in the cited reference to demonstrate that the cited reference fails to anticipate the claimed subject matter. Further, Applicants remind the Examiner that during patent examination, the pending claims must be given an interpretation that is *reasonable* and *consistent* with the specification. *See In re Prater*, 415 F.2d 1393, 1404-05, 162 U.S.P.Q. 541, 550-51

(C.C.P.A. 1969); *see also In re Morris*, 127 F.3d 1048, 1054-55, 44 U.S.P.Q.2d 1023, 1027-28 (Fed. Cir. 1997); *see also* M.P.E.P. §§ 608.01(o) and 2111.

***Claim Features of Independent Claims 1 and 9 Omitted from Cited Reference***

Embodiments of the present invention are directed to a media tray that serves dual purposes for a computer device. *See* Application, pages 11-12; *see also* Figs. 3-5. First, the media tray is configured to hold a media device (e.g., disk drive) in electrical connection with the computer device on a first side of the media tray. *See id.* For example, the media tray may include a plate-like structure that attaches to one or more media devices. *See id.* at pages 8-9. Additionally, on a second side of the media tray opposite the first side, the media tray includes one or more retention mechanisms configured to secure computer components (e.g., a processor) in electrical connection with the computer device. *See id.* at pages 11-12. For example, a media tray in accordance with present embodiments may include a retention tab or leaf spring configured to bias a processor into an electrical connector of the computer device. *See id.*

Accordingly, amended independent claim 1 recites, *inter alia*, “a media tray having a first side and a second side that is opposite the first side, the media tray mechanically coupled with at least one *disk drive* ... on the first side ... and a retainer located on the second side ... the retainer configured to mechanically secure at least one computer component *disposed adjacent the second side* of the media tray in electrical connection with the computer device.” (Emphasis added). Amended independent claim 9 recites, *inter alia*, “a chassis configured to support a computer component ... and a media tray selectively positionable between open and closed configurations with respect to the chassis, wherein the media tray comprises a support mechanically coupled with a disk drive in electrical communication with the computer device and a retainer to at least partially mechanically retain the computer component in electrical communication with the computer device via the chassis in the closed configuration.”

Applicants respectfully assert that the Pagliaccio reference fails to teach each and every feature of the present claims. In contrast to the present claim recitations, the Pagliaccio reference merely teaches a storage drawer system that can be used with a standard computer. *See* Pagliaccio, col. 2, lines 56-61. Specifically, Pagliaccio teaches a drawer 13 that fits integrally into a housing 18, which is mounted internally into a drive bay 27 of a standard computer case 22. *See id.* at col. 2, lines 56-64.

Apparently, the Examiner would equate the drawer 13 of the Pagliaccio reference with the presently recited media tray. *See* Office Action, page 3. However, Applicants assert that the drawer 13 is not equivalent to the recited tray. The Pagliaccio reference makes it clear that the drawer does not hold computer *components* (e.g., disk drives) by describing typical contents for the drawer 13 as including computer disks, tapes, and CDs. *See id.* Indeed, it is clear that the drawer 13 cannot hold the presently recited computer components because the entire drawer is disposed within a bay for a disk drive. *See id.* at col. 2, lines 56-64. Further, the drawer 13 of the Pagliaccio reference certainly does not *mechanically couple* with a disk drive, as recited in claims 1 and 9.

Additionally, the Pagliaccio reference does not include a *retainer*, as presently recited in claims 1 and 9. Applicants believe the Examiner would equate the housing 18 of the Pagliaccio reference with the presently recited retention tab. *See* Office Action, page 2. However, the housing 18 is certainly not “configured to mechanically secure at least one computer component *disposed adjacent the second side* of the media tray in electrical connection with the computer device,” as recited in claim 1 or “at least partially mechanically retain the computer component with respect to the chassis in the closed configuration,” as recited in claim 9. The housing 18 merely operates as a sleeve for the drawer 13, which cannot be equated with the presently recited computer component. *See* Pagliaccio, col. 3, lines 2-3. Indeed, as discussed above, the Examiner would apparently equate the drawer 13 with the presently recited media tray, which is separate from the

recited computer component. Further, the drawer 13 is clearly not held in “electrical connection with the computer device,” as recited in claim 1.

***Claim Features of Independent Claim 22 Omitted from Cited Reference***

Applicants assert that the Examiner’s rejection of independent claim 22 under 35 U.S.C. § 102 is improper because the Pagliaccio reference fails to teach each and every feature of claim 22, as admitted by the Examiner. For example, claim 22 as originally filed recites, *inter alia*, a “computer device comprising: a chassis; a processor assembly coupled to the chassis; and a structure positionably coupled to the chassis, wherein the structure is configured to at least partially *maintain the position of the processor assembly with respect to the chassis and to support at least one media device*.” (Emphasis added).

In the Office Action, the Examiner admits that the Pagliaccio reference fails to disclose *all* of the recited claim features. *See* Office Action, page 6. For example, the Examiner admitted that the Pagliaccio reference fails to disclose the recited features relating to the processor assembly. The Examiner then suggested that “[i]t would have been obvious ... to include the processor assembly in the computer system of Pagliaccio, as this is the common housing for these computer devices.” Office Action, page 6. Accordingly, Applicants respectfully assert that in as much as the Pagliaccio reference fails to disclose *all* of the recited features, it cannot support an anticipation rejection under 35 U.S.C. § 102.

Additionally, based on the prior rejections, Applicants believe the Examiner would equate the drawer 13 of the Pagliaccio reference with the presently recited “structure.” Accordingly, Applicants respectfully assert that the drawer 13 of the Pagliaccio reference is not equivalent to the presently recited structure. For example, as discussed above with respect to claims 1 and 9, the drawer 13 merely contains media *accessories*. The drawer does not support a media *device*, as does the recited structure. Further, the drawer 13 certainly does not “maintain the position of the processor assembly,” as presently recited.

In view of these deficiencies, the cited reference cannot anticipate independent claims 1, 9 and 22 and their respective dependent claims. For these reasons among others, Applicants respectfully request withdrawal of the rejections under 35 U.S.C. § 102. Further, Applicants remind the Examiner of his obligation to provide support for the rejections in accordance with the requirements of 37 C.F.R. § 1.104 and M.P.E.P. § 707.07. Although Applicants believe the cited reference fails to anticipate the present claims, if the Examiner chooses to maintain any of these rejections, Applicants request that the Examiner provide as nearly as practicable a clear explanation of any future adverse action in accordance with 37 C.F.R. § 1.104 and M.P.E.P. § 707.07.

**Claim Rejections under 35 U.S.C. § 103(a)**

The Examiner rejected claims 5, 20, 23, and 37 under 35 U.S.C. § 103(a) as being unpatentable over the Pagliaccio reference in view of Tucker et al. (U.S. Publication No. 2005/0155050 A1, hereafter referred to as “the Tucker reference”), and claims 6, 8, 13, 14, 19, and 24-36 under 35 U.S.C. § 103(a) as being unpatentable over the Pagliaccio reference in view of Felcman et al. (U.S. Patent No. 6,301,099, hereafter referred to as “the Felcman reference”).

***Legal Precedent***

The burden of establishing a *prima facie* case of obviousness falls on the Examiner. *Ex parte Wolters and Kuypers*, 214 U.S.P.Q. 735 (P.T.O. Bd. App. 1979). To establish a *prima facie* case, the Examiner must not only show that the combination includes *all* of the claimed elements, but also a convincing line of reason as to why one of ordinary skill in the art would have found the claimed invention to have been obvious in light of the teachings of the references. *Ex parte Clapp*, 227 U.S.P.Q. 972 (Bd. Pat. App. & Inter. 1985).

Additionally, if the Examiner relies on a theory of inherency, the extrinsic evidence must make clear that the missing descriptive matter is *necessarily* present in the thing described in the reference, and that it would be so recognized by persons of ordinary skill. *In re Robertson*, 169 F.3d 743, 49 U.S.P.Q.2d 1949 (Fed. Cir. 1999) (Emphasis Added). The mere fact that a certain thing *may* result from a given set of circumstances is not sufficient. *Id.* In relying upon the theory of inherency, the Examiner must provide a basis in fact and/or technical reasoning to reasonably support the determination that the allegedly inherent characteristic *necessarily* flows from the teachings of the applied prior art. *Ex parte Levy*, 17 U.S.P.Q.2d 1461, 1464 (Bd. Pat. App. & Inter. 1990) (emphasis in original). The Examiner, in presenting the inherency argument, bears the evidentiary burden and must adequately satisfy this burden. *See id.*

#### ***Removal of the Tucker Reference***

Applicants assert that the Examiner's rejection of claims 5, 20, 23, and 37 is improper because the cited reference is deficient. Indeed, Applicants respectfully stress that the Tucker reference should be removed from consideration in accordance with 35 U.S.C. § 103(c) and M.P.E.P. § 706.02(l) in the rejection under 35 U.S.C. § 103, because the present application and the Tucker reference were, at the time the invention was made, owned by, or subject to an obligation of assignment to, Hewlett-Packard Development Company L.P. Accordingly, the Applicants respectfully request that the Examiner remove the Tucker reference from consideration and withdraw the rejection of claims 5, 20, 23, and 37 under 35 U.S.C. § 103.

#### ***Claim Features of Independent Claim 26, 31, and 33 Omitted from Cited References***

The Examiner rejected independent claim 26, 31, and 33 under 35 U.S.C. § 103 in view of the Pagliaccio reference and the Felcman reference. Applicants respectfully traverse this rejection because the cited references, whether considered together or separately, fail to teach each and every feature of claims 26, 31, and 33.

Turning to the claims, the present independent claim 26 recites, *inter alia*, “*coupling a disk drive on a first side of a media tray positionably coupled to the chassis; and restricting movement with respect to the chassis of a computer component on a second side of the media tray with a retainer coupled to the second side of the media tray.*” (Emphasis added). Amended independent claim 31 recites, *inter alia*, “means for *coupling a disk drive* in electrical communication with the computer device on a first side of a media tray that is positionably coupled to a chassis of the computer device; and *means disposed on a second side of the media tray for restricting movement of a computer component with respect to the chassis.*” (Emphasis added). Amended independent claim 33 recites, *inter alia*, “a plate-like portion *coupled with a disk drive* on a first side of the plate-like portion; and *a retainer located on a second side of the plate-like portion opposite the first side and configured to at least partially secure the position of a processor assembly with respect to an electrical connector.*” (Emphasis added).

The Pagliaccio and Felcman references, whether considered together or separately, do not disclose *coupling to a disk drive* on a first side of a media tray *and restricting movement of a computer component* with respect to a chassis or connector on a second side of a media tray, as presently recited in claims 26, 31, and 33. Indeed, the Examiner admitted that the Pagliaccio reference “does not teach a means for restricting movement.” Office Action, page 10. Further, Applicants assert that the Felcman reference does not remedy this deficiency. Indeed, the Felcman reference merely teaches a mounting plate 46 that grips a rod 44, thereby preventing rotation of the mounting plate about the rod 44 until a sufficient force is applied to the mounting plate 46. *See Felcman*, col. 4, lines 6-35. The mounting plate 46 of Felcman is not equivalent to the media tray recited in claims 26 and 31 or the plate-like portion recited in claim 33 because the mounting plate 44 does not couple to a disk drive *and* restrict movement of a computer component with respect to a chassis.

Applicants respectfully note that claim 31, which was rejected under 35 U.S.C. §103(a) in view of the Pagliaccio reference in view of the Felcman reference, includes means-plus-function language, as set forth in 35 U.S.C. § 112, paragraph 6, *and should be examined in accordance with this body of law*. As may be appreciated, with respect to 35 U.S.C. § 112, paragraph 6, an Examiner “may not disregard the structure disclosed in the specification corresponding to such language when rendering a patentability determination.” *In re Donaldson Co.*, 29 U.S.P.Q.2d 1845 (Fed. Cir. 1994); *see also* Manual of Patent Examining Procedure § 2181. Applicants note that proper interpretation of this claim must be performed with reference to the structure provided in the specification. Particularly, with regard to the “means for coupling a disk drive in electrical communication with the computer device” recitation of claim 31, Applicants’ specification discloses one or more pairs of retention mechanisms that resiliently interact with a computer component. *See, e.g.*, Application, pages 11-12; Fig. 3. As discussed above, Applicants respectfully point out that the cited references fail to disclose such structures. Consequently, Applicants respectfully submit that independent claim 31 is patentable over the cited references.

For at least the reasons set forth above, the cited references, taken alone or in hypothetical combination, cannot render obvious the current independent claims 26, 31, and 33 and their dependent claims. Further, the Examiner’s rejection of claims 5, 20, 23, and 37 must be withdrawn pursuant to 35 U.S.C. § 103(c) and M.P.E.P. § 706.02(l). Accordingly, Applicants respectfully request withdrawal of the rejections under 35 U.S.C. § 103. Additionally, Applicants request an indication of allowance for claims dependent 5, 20, 23 and independent claims 26, 31, 33 and the claims depending therefrom.

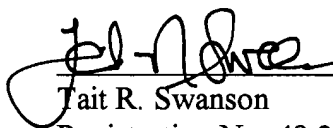


**Conclusion**

Applicants respectfully submit that all pending claims should be in condition for allowance. However, if the Examiner believes certain amendments are necessary to clarify the present claims or if the Examiner wishes to resolve any other issues by way of a telephone conference, the Examiner is kindly invited to contact the undersigned attorney at the telephone number indicated below.

Respectfully submitted,

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